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7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-259

13 **CHERIE L. NICANOR**
14 1150 Rockhaven Court
Salinas, CA 93906

ACCUSATION

15 Registered Nurse License No. 707871

Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Ruth Ann Terry, M.P.H, R.N. (Complainant) brings this Accusation solely
19 in her official capacity as the Executive Officer of the Board of Registered Nursing.

20 2. On or about July 18, 2007, the Board of Registered Nursing issued
21 Registered Nurse License Number 707871 to Cherie L. Nicanor (Respondent). The Registered
22 Nurse License was in full force and effect at all times relevant to the charges brought herein and
23 will expire on April 30, 2011, unless renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board of Registered Nursing
26 (Board), under the authority of the following laws. All section references are to the Business and
27 Professions Code unless otherwise indicated.
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1 license.

2 “(c) Be convicted of a criminal offense involving the prescription, consumption,
3 or self-administration of any of the substances described in subdivisions (a) and (b) of this
4 section, or the possession of, or falsification of a record pertaining to, the substances described in
5 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
6 thereof.

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8 8. Section 125.3 of the Code provides, in pertinent part, that the Board may
9 request the administrative law judge to direct a licensee found to have committed a violation or
10 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
11 and enforcement of the case.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Substantially Related Conviction)**

14 9. Respondent is subject to disciplinary action pursuant to section 2761(f) of
15 the Code, in that she was convicted of a criminal offense which is substantially related to the
16 qualifications, functions, and duties of a registered nurse, as follows:

17 a. On or about January 23, 2008, in the criminal proceeding entitled *People*
18 *of the State of California vs. Cherie L. Nicanor*, Superior Court of California, County of
19 Monterey, Case No. MS261215A, Respondent was convicted on her plea of nolo contendere to a
20 violation of Vehicle Code section 23152(a) (driving under the influence), a misdemeanor.

21 b. Respondent was sentenced to five (5) years probation and sixty (60) days
22 in county jail.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Substantially Related Convictions)**

25 10. Respondent is subject to disciplinary action pursuant to section 2761(f) of
26 the Code, in that she was convicted of a criminal offense which is substantially related to the
27 qualifications, functions, and duties of a registered nurse, as follows:

28 / / /

1 a. On or about January 23, 2008, in the criminal proceeding entitled *People*
2 *of the State of California vs. Cherie L. Nicanor*, Superior Court of California, County of
3 Monterey, Case No. MS260226A, Respondent was convicted on her plea of nolo contendere to a
4 violation of Vehicle Code section 23152(a) (driving under the influence), a misdemeanor.

5 b. Respondent was sentenced to five (5) years probation and sixty (60) days
6 in county jail.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Use of Alcohol to a Dangerous Extent)**

9 11. Respondent is subject to disciplinary action pursuant to section 2762(b) of
10 the Code, on the grounds of unprofessional conduct, in that Respondent used alcohol to an extent
11 or in a manner dangerous or injurious to herself, any other person, or the public or to the extent
12 that such use impairs her ability to conduct with safety to the public the practice authorized by
13 her license, as set forth in paragraphs 9 and 10, above.

14 **FOURTH CAUSE FOR DISCIPLINE**

15 **(Convictions Involving Alcohol)**

16 12. Respondent is subject to disciplinary action pursuant to section 2762(c) of
17 the Code, on the grounds of unprofessional conduct, in that Respondent was convicted of
18 criminal offenses involving alcohol, as set forth in paragraphs 9 and 10, above.

19 **PRAYER**

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein
21 alleged, and that following the hearing, the Board issue a decision:

22 1. Revoking or suspending Registered Nurse License Number 707871, issued
23 to Cherie L. Nicanor.

24 2. Ordering Cherie L. Nicanor to pay the Board the reasonable costs of the
25 investigation and enforcement of this case, pursuant to Business and Professions Code section
26 125.3;


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3. Taking such other and further action as deemed necessary and proper.

DATED: 4/22/09


RUTH ANN TERRY, M.P.H, R.N.
Executive Officer
Board of Registered Nursing
State of California
Complainant